

Q&A With Robins Kaplan's William Erickson



Law360, New York (March 13, 2013, 2:13 PM ET) -- William Erickson, partner and chairman of the insurance group at Robins Kaplan Miller & Ciresi LLP, has handled coverage disputes under first- and third-party policies for claims arising from fire, explosion, collapse, design defect, environmental impairment, flood and other losses. He has litigated disputes concerning fortuity, reformation, physical damage, insured risk, insured property, exclusions, obligations in case of loss, extra expense, business interruption, sue and labor, limits and deductibles, arson and fraud and fair claims practices.

Q: What is the most challenging case you have worked on and what made it challenging?

A: The appraisal hearings for the Sept. 11 attack on the World Trade Center [were the most challenging]. This dispute measured in the billions of dollars, and the hearings took place over a three-year period. All of the hearings took place in New York City, and over that three-year period I was living in hotels in New York City about half of the time.

Discovery continued throughout the hearing process, and it was not uncommon to take depositions one week and examine the same witness a week or two later. The issues were complex, and all parties were represented by top-shelf law firms. It was not uncommon to receive briefs at 1:00 a.m. from the other side on issues that were going to be argued the next morning.

Q: What aspects of your practice area are in need of reform and why?

A: In the area of property insurance, I believe the reference and appraisal process could benefit from clearer guidelines regarding the appraisal procedure. Significant time is often wasted trying to work out the details of how the reference or appraisal will be managed. Uniform protocols [are] clearly delineating, [and] procedure and the power of the appraisal panel would save significant time and money for both insureds and insurers.

Q: What is an important issue or case relevant to your practice area and why?

A: I believe the most important issue relevant to the area of property insurance law is the rules governing the interpretation of insurance policies. The rules of interpretation can vary from provision to provision and from state to state. Although the same policy form is often used across the country, it is not uncommon to see different coverage results based on the jurisdiction that governs the interpretation.

Q: Outside your own firm, name an attorney in your field who has impressed you and explain why.

A: I have always been favorably impressed by Dan Millea of the Zelle Hofmann firm. Dan is a consummate professional with a keen analytical mind. More importantly, Dan always stays focused and never seems to allow a motion to cloud his judgment even in the heat of trial. Perhaps most important of all, Dan is a New England Patriots fan even though he resides in Minneapolis.

Q: What is a mistake you made early in your career and what did you learn from it?

A: Taking my client's side of the story on faith: This is particularly true where you are only dealing with one person at your client's organization, even though multiple people have been involved in the events that led up to the dispute. With respect to the one case I have in mind, only during depositions and trial did I learn the full details of my own client's actions. Since then, I have always engaged in the process of identifying all of my client's key players and to interviewing each of them.

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